



# भारत का राजपत्र

## The Gazette of India

प्रसाधारण

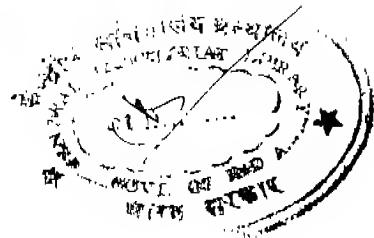
EXTRAORDINARY

भाग II—खण्ड 2

PART II—Section 2

प्राधिकार से प्रकाशित

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इस भाग में भिन्न पृष्ठ संख्या वाले जाते हैं जिससे कि यह अलग संहाल के रूप में रखा जा सके।

Separate paging is given to this Part in order that it may be filed  
 as a separate compilation

### LOK SABHA

The following Bills were introduced in Lok Sabha on 10th April, 1992:—

#### BILL No. 46 of 1992

*A Bill to provide for a national population policy and for measures to control the population in the country and for matters connected therewith.*

BE it enacted by Parliament in the Forty-third Year of the Republic of India as follows:—

1. (1) This Act may be called the National Population Policy Act, 1992

Short title,  
extent  
and  
commencement.

(2) It extends to the whole of India.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. The Central Government shall enunciate the new national population policy which shall define the incentives and disincentives, that are both practicable as well as effective, to be given to the citizens within one year of the commencement of this Act.

National population policy.

Insert-  
tion of  
new  
section  
8B in Act  
No. 43  
of 1951.

Disquali-  
fication  
on  
ground  
of not  
following  
small  
family  
norm.

Small  
family  
norm for  
Central  
Govern-  
ment  
em-  
ployees,  
etc.

Appli-  
cation of  
pro-  
visions to  
em-  
ployees of  
private  
sector.

Ban on  
child  
mar-  
riages.

**3.** After section 8A of the Representation of the People Act, 1951, the following section shall be inserted, namely:—

“8B. (1) A person shall be disqualified if he procreates more than two living children:

Provided that the person shall not be disqualified if he, within a period of one year from the date of commencement of the National Population Policy Act, 1992, procreates another living child and thereby the number of living children of that person increases to more than two.

(2) The disqualification referred to in sub-section (1) shall not apply in case of persons having more than two living children on the date of commencement of the National Population Policy Act, 1992.”.

**4.** (1) Any Central Government employee or an employee of a public undertaking who has more than two living children, subject to the provisions of sub-section (4) and (5), shall not be entitled to any increment or promotion in service.

(2) Any Central Government employee or an employee of a public undertaking who procreates more than three living children shall be disqualified to continue in service.

(3) Any Central Government employee, who is in occupation of Government accommodation, if procreates more than two living children, subject to the provisions of sub-sections (4) and (5), shall have to pay double the normal rent prescribed for the particular type of Government accommodation allotted to him.

(4) The provisions of sub-sections (1) and (3) shall not apply to those Central Government employees or employees of public undertakings who have more than the prescribed number of living children on the date of commencement of this Act.

(5) The provisions of sub-sections (1) and (3) shall apply to those Central Government employees or employees of public undertakings who after a period of one year of the coming into force of this Act, procreate another living child and thereby the number of living children of such employees increases to more than the prescribed number.

**5.** The provisions of section 4 shall apply *mutatis mutandis* to the employees in the private sector.

**6.** (1) No marriage shall be solemnised between a male, who is less than twenty-four years of age, and a female, who is less than twenty years of age.

(2) Any contravention of the provisions of sub-section (1) shall be a cognisable offence and shall be punishable with simple imprisonment for

a term which may extend to three months, or with fine which may extend to rupees one thousand.

7. Any person who, after a period of one year from the date of coming into force of this Act, procreates more than two living children,—

Penalty for not adopting small family norm.

(a) shall have to pay double the normal charges charged for the supply of water and electricity in the dwelling unit occupied by such person or his family;

(b) the children of such a person shall not be provided with free education or other facilities like hostel accommodation, etc.

(c) shall not be allotted any house or land in a housing scheme launched by either the Union Government or the State Government.

2 of 1912.

(d) shall not be entitled to become a member of any co-operative society registered under the Cooperative Societies Act, 1912, for the purpose of acquisition of a house or plot of land for construction of a house.

8. Any woman, who has two living children, shall be provided with maternity facility in any government hospital for the birth of her third child if the woman agree to undergo sterilisation operation after the birth of her third child:

Maternity facilities in certain cases.

Provided that the consent of the husband of any other member of the family or close relative of the woman shall not be required for the sterilisation operation.

9. Any woman employee of the Central Government or of a public undertaking, who undergoes sterilisation operation after the birth of her first or second child, shall be given three months additional salary as an incentive.

Incentive to women employees.

10. Any person having one or two living children who undergoes sterilisation operation shall be eligible to receive advance from a bank or a society at a ten per cent. lower rate of interest than the normal rate of interest.

Eligibility for receiving advances at a lower rate of interest.

11. (1) Any person, below the age of thirty-two years, having no son but having only one or two living daughters, who undergoes sterilisation operation, shall be given by the Central Government a bond of the face value of rupees one lakh which shall be encashable after a period of twenty years from the date of issue.

Bonds to be given by the Central Government.

(2) If the person in whose name the bond has been issued dies before its maturity, the legal heirs of the person shall be entitled to receive the amount of the bond at maturity.

12. The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force.

Act to have overriding effect.

## STATEMENT OF OBJECTS AND REASONS

India's population is about 845 millions today. With 24 per cent of the global land area, India has 15 per cent. of the world population, thereby making it one of the most densely populated nation of the world. Although, family planning has been a national programme since 1952, the average annual population growth rate has actually increased from 1.25 per cent. to about 2.20 during the last 39 years, mainly due to the faster decline in the death rate.

It is projected that by the turn of the century, India shall have three out of the ten most populous cities of the world, any half the population of these cities would be living in slums under squalid conditions. Actually, without massive public contributions for sewerage, water treatment, air-pollution control and perspective planning, living conditions in all urban areas will progressively deteriorate.

An alarming situation is the apathy of the populace to foresee this population explosion time-bomb which is so glaringly reflected in the last elections. None of the candidates in the recently concluded Parliamentary elections raised this most valid issue while campaigning. How can family planning therefore be called a programme with people's involvement?

To accommodate the future needs and numbers within the nation's natural capabilities and resources has given rise to unparalleled transformation of human values, social institutions and economic structures. The break-down of civic amenities due to over-crowding law and order situation, unemployment and widening of the gap between the haves and have nots has progressively created an explosive situation. Agricultural land holdings are fast becoming small and uneconomical, the needs for housing are far beyond the available finances and educational facilities are hopelessly inadequate to meet with the existing demands let alone the future ones. There is no balance between population growth and the infrastructure and available opportunities.

Environmentally, speaking, the destruction of forests, extinction of species of flora and fauna, spreading of deserts, over-grazing of grass lands, rapid soil erosion and siltation, salinity, rapid lowering of water tables, pollution of air and water, phenomenal growth of slums, food and fire-wood shortages and the crises in energy generation and water resources have awesome implication of devastation and destruction of the life support systems. In some cases these are beyond repair.

In a world moving towards working out an optimum human carrying capacity of given regions, based on a population, resource and development inter-relationship, an already densely populated nation like India can hardly expect to achieve a quality of life by adding further to her numbers.

The provisions of the Bill are, therefore, the most effective method to achieve the targeted goal, of net reproduction rate of one by 1995, instead of attaining it in 2000 A.D.

It is estimated that at the rate we are going, we shall reach the goal of 'Net Reproduction Rate' of one not in the year 2000 but in the year 2010. In that case, the enactment of this Bill shall hasten the process by 15 years. By so doing, we could reach zero population growth rate by the 21st century instead of the 22nd century and could stabilise our population at around 1200 millions instead of at 1800 millions. Therefore, the enactment of this Bill will save the country from a burden of 600 millions additional population.

The laudable goals spelt out in the Directive Principles of State policy in the Constitution of India can best be achieved if the population explosion is checked. Continuous pregnancies badly effect the health of a woman. The population explosion has added to the poverty of the people and increases the crime rate also. All round progress made by the country has almost been brought to nought by this single factor. Every additional child born, above the projected rate of population growth, is a liability on the scarce resources of the nation. Time has come where taking of some strong measures has become essential and if such measures are not taken at the earliest the future generations may not forgive us for this lapse.

The Bill offers a comprehensive package deal for facing the challenge and overcoming the problem. There is no other effective way of doing so. The aim of this Bill is to bring about family and social welfare. Adoption of small family norm is necessary to give a good and reasonable standard of living to all concerned irrespective of class, creed, religion or race or section to which they may belong. Checking the population growth rate is not only the responsibility of the Government but of every Indian citizen.

To enable this Bill to have an impact on all sections of the society, the State Governments will have to be moved to introduce corresponding legislation, particularly amending the Panchayat Act, Municipal Act, Co-operative Societies Act, State Civil Service (Conduct) Rules and other related laws, in their State Legislatures.

NEW DELHI;

PRATIBHA DEVISINGH PATIL

December 17, 1991.

## FINANCIAL MEMORANDUM

Clause 9 of the Bill provides that any woman employee of the Central Government or of a public undertaking, who undergoes sterilisation on operation after the birth of her first or second child, shall be given three months additional salary as an incentive. Clause 11 provides that any person below the age of thirty-two years having no son but having only one or two living daughters who undergoes sterilisation operation, shall be given by the Central Government a bond of the face value of rupees one lakh which shall be encashable after a period of twenty years from the date of issue. The exact number of women employees and of persons who undergo sterilisation and qualify for the incentive or for the bond cannot be given for the present. However, the Central Government will have to incur some expenditure on this account from the Consolidated Fund of India. It is estimated that the annual recurring expenditure of about rupees one crore is likely to be involved.

No non-recurring expenditure is likely to be involved.

## BILL No. 70 OF 1992

*A Bill further to amend the Representation of the People Act, 1950.*

Be it enacted by Parliament in the Forty-third Year of the Republic of India as follows:—

1. This Act may be called the Representation of the People (Amendment) Act, 1992. Short title.

43 of 1950.

2. In section 7 of the Representation of the People Act, 1950,—

(i) for sub-section (1A), the following sub-section shall be substituted, namely:—

“(1A) Notwithstanding anything contained in sub-section (1), the total number of seats in the Legislative Assembly of the State of Sikkim, to be constituted at any time after the commencement of the Representation of the People (Amendment) Act, 1992, to be filled by persons chosen by direct election from assembly constituencies shall be thirty-two, of which—

(a) twelve seats shall be reserved for Sikkimese of Bhutia-Lepcha and Sherpa origin;

Amend-  
ment of  
section 7.

(b) thirteen seats shall be reserved for Sikkimese of Nepalese origin;

(c) two seats shall be reserved for the Scheduled Castes of that State;

(d) two seats shall be reserved for Tsongs; and

(e) one seat shall be reserved for the Sanghas referred to in section 25A.

*Explanation.*—In this sub-section “Bhutia” includes Chumbipa, Dopthapa, Dukpa, Kagatey, Sherpa, Tibetan, Tromopa and Yolmo.”; and

(ii) in sub-section (3), for the words “the extent of each Assembly constituency in the State of Sikkim shall be as provided for in the Delimitation of Parliamentary and Assembly Constituencies Order, 1976, as amended by section 4 of the Representation of the People (Amendment) Act, 1980 (8 of 1980)”, the words “the extent of each assembly constituency in the State of Sikkim shall be such as may be determined by a Delimitation Commission to be appointed under the Delimitation Act, 1972 (76 of 1972) and the next general elections to be held to the State Assembly after the date of commencement of the Representation of the People (Amendment) Act, 1992, shall be according to the orders of the Delimitation Commission appointed” shall be substituted.

**STATEMENT OF OBJECTS AND REASONS**

The State of Sikkim joined the mainstream of national life recently and it has been just a few years that the people of the State have been exposed to the democratic set up. During the last Lok Sabha and Assembly elections, the demand for reservation of seats for the Sikkimese of Nepalese origin and Tsongs was the main plank of all political parties. Upto the year 1979 seats were reserved for the Sikkimese of Nepalese origin. However, in the year 1979 the reservation of seats for this category of persons was done away with. The issue of reservation of seats for Sikkimese of Nepalese origin and Tsongs should be viewed not only in the context of educational, economic, social and political backwardness of these communities but also in the context of historical, traditional and constitutional factors which have guided their destinies for generations.

Sikkim is the smallest State in the country and there is, therefore, a legitimate apprehension in the minds of these communities that with the influx of the people from other parts of the country they will be completely out-numbered and, in the course of few years, will become a minority, thus losing their identity. This highlights the intensity of the feelings of the people of the State on the issue. The people of Sikkim consider the abolition of reservation of seats for Sikkimese of Nepalese origin and Tsongs as most unjust and it cuts at the very root of amity, peace and harmony between various communities in the State.

Therefore, there is an urgent need to restore the reservation of seats for the Sikkimese of Nepalese origin and Tsongs in the Legislative Assembly of Sikkim.

The Bill seeks to achieve the above objective.

NEW DELHI;  
March 3, 1992.

DIL KUMARI BHANDARI.

### FINANCIAL MEMORANDUM

Clause 2 (ii) of the Bill provides for the appointment of a Delimitation Commission for determining the extent of each Assembly constituency in the State of Sikkim as per the reservation of seats now proposed in the Bill. The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India. It is likely to involve a recurring expenditure of about rupees twenty lakhs per annum.

It is also likely to involve a non-recurring expenditure of about rupees five lakhs.

## BILL NO. 68 OF 1992

*A Bill to amend the Judges (Inquiry) Act, 1968.*

BE it enacted by Parliament in the Forty-third Year of the Republic of India as follows:—

1. This Act may be called the Judges (Inquiry) Amendment Act, 1992. Short title.

51 of 1968.

2. In section 3 of the Judges (Inquiry) Act, 1968, after sub-section (2), the following sub-section shall be added, namely:—

Amend-  
ment of  
section 3.

“(2A) As soon as after a motion referred to in sub-section (1) is admitted, the Speaker or the Chairman, as the case may be, shall cause the intimation thereof to be given to the Chief Justice of India or, as the case may be, the Chief Justice of the concerned High Court, and, on receipt of such intimation, the Judge, against whom the motion has been admitted, shall neither be competent to discharge any judicial function nor shall be allotted any judicial work, till the committee, constituted under sub-section (2), has submitted its report, in terms of the provisions of sub-section (1) of section 6, to the effect that the Judge is not guilty of any misbehaviour or does not suffer from any incapacity.”.

## STATEMENT OF OBJECTS AND REASONS

When the Judges Inquiry Act, 1968, was enacted, it was expected that the judiciary would itself ensure by convention that a Judge against whom a motion for removal had been admitted would cease to discharge judicial functions during the pendency of the inquiry against him. This was essential since a Judge facing proceedings for removal would not command the necessary public confidence to effectively discharge judicial functions.

Experience has, however, now shown that the hope of evolution of self-regulatory mechanism by the Courts has been belied. It has, therefore, become necessary to provide for this by a suitable amendment in the Judges (Inquiry) Act, 1968. It is with this object that this Bill is being brought forward.

NEW DELHI;

SOMNATH CHATTERJEE.

*March 6, 1992.*

## BILL No. 66 of 1992

*A Bill to amend the Motor Vehicles Act, 1988.*

BE it enacted by Parliament in the Forty-third Year of the Republic of India as follows:—

1. This Act may be called the Motor Vehicles (Amendment) Act, 1992.

Short title.

59 of 1988.

2. In section 166 of the Motor Vehicles Act, 1988, in sub-section (3), in the proviso, the words "but not later than twelve months" shall be omitted.

Amendment of section 166.

## STATEMENT OF OBJECTS AND REASONS

The Motor Vehicles Act, 1988, provides for filing of accident claims by persons injured in accidents and by the legal heirs of the person whose death has resulted from an accident within a period of six months from the date of accident. It also provides that the Tribunal may, when there are justifiable reasons, extend the time limit for filing of claims beyond six months but in any case not more than twelve months.

The maximum time limit of twelve months beyond which a person cannot file accident claims is not justifiable as in some cases the injured is not in a position to travel or file the complaint in time due to prolonged treatment and incapacity caused by the accident.

Hence, it is necessary to amend section 166 of the Motor Vehicles Act, 1988, with a view to omitting the provision which provides that a person is not allowed to file claims for compensation beyond the period of twelve months.

The Bill seeks to achieve the above objective.

NEW DELHI;

P. C. THOMAS.

March 6, 1992.

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C. K. JAIN,  
*Secretary-General.*